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Message Text

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ORIGIN EB-11

INFO OCT-01 EUR-25 ISO-00 STR-08 COME-00 SS-20 L-03 NSC-10

SSO-00 NSCE-00 USIE-00 INRE-00 CIAE-00 INR-10 NSAE-00

PA-04 RSC-01 PRS-01 SPC-03 CIEP-02 OMB-01 CEA-02

AGR-20 FRB-02 TAR-02 /126 R

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STR:WKELLY
COMM/BIC:RHAMERSCHLAG
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COMM/BIC:MFELDMAN
EB/TA:WADAMS
EUR/CAN:EBROWN
---------- 054580
O 212031Z NOV 73
FM SECSTATE WASHDC
TO AMEMBASSY OTTAWA IMMEDIATE

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E.O. 11652: N/A
TAGS: ETRD, CA
SUBJECT: CANADIAN CONSUMER PACKAGING AND LABELING
REGULATIONS
REF: OTTAWA A-501, OTTAWA 2380, OTTAWA 2410, TORONTO A-31

UNLESS IT PERCEIVES OBJECTION, THE EMBASSY IS REQUESTED
TO DELIVER THE FOLLOWING COMMUNICATION TO THE ASSISTANT
DEPUTY MINISTER (CONSUMER AFFAIRS), DEPARTMENT OF CONSUMER
AND CORPORATE AFFAIRS, ON OR BEFORE NOVEMBER 22.

THE GOVERNMENT OF THE UNITED STATES IS CONCERNED ABOUT
THE PROSPECTIVE ADVERSE EFFECTS ON UNITED STATES TRADE OF
THE PROPOSED CONSUMER PACKAGING AND LABELING REGULATIONS
WHICH WERE PUBLISHED SEPTEMBER 22, 1973, IN THE CANADA
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GAZETTE. ALTHOUGH THE FULL EFFECTS OF THE PROPOSED RULES

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CANNOT BE DETERMINED YET, IT IS APPARENT THAT UNITED STATES EXPORTERS OF CERTAIN PREPACKAGED PRODUCTS WILL FACE NEW OBSTACLES IN SELLING TO CANADA.

IN PARTICULAR, THE REQUIREMENT IN SECTION 37 THAT CERTAIN PREPACKAGED PRODUCTS BE SOLD ONLY IN CERTAIN DESIGNATED QUANTITIES PER PACKAGED UNIT IS A NON-TARIFF BARRIER AGAINST THE IMPORT OF THESE PRODUCTS INTO CANADA. THE CONSUMER WOULD NOT BE MISLED AS TO PRICE BY PRODUCERS'

PACKAGING THEIR PRODUCTS IN CONTAINERS HOLDING OTHER THAN THE QUANTITY CONTAINED IN THE PACKAGE. AT A MINIMUM THE UNITED STATES WOULD EXPECT THAT AN EXEMPTION WOULD BE MADE TO PROVIDE FOR THE ADMISSION OF PRODUCTS IN CONTAINER SIZES WHICH ARE IN GENERAL USE IN THE TRADE, AND WHICH ARE THEREFORE FULLY FAMILAR TO AND RECOGNIZED BY CANADIAN CONSUMERS.

THE PROPOSED RULES SEEM PREMATURE IN THAT DISCUSSION OF PACKAGING AND LABELING IS EXPECTED TO TAKE PLACE SOON IN THE GATT. IT WOULD APPEAR DESIRABLE FOR ALL COUNTRIES TO WORK TOGETHER IN CONSIDERING AND DEALING WITH THE TRADE PROBLEMS PRESENTED BY THIS COMPLEX SUBJECT.

THE UNITED STATES GOVERNMENT HOPES THAT THE GOVERNMENT OF CANADA WILL REVIEW ITS PROPOSED REGULATIONS SO AS FULLY TO PROTECT CANADIAN CONSUMERS AND AT THE SAME TIME TO AVOID THE ERECTION OF NEW BARRIERS TO OUR EXPORTS. WE ARE ATTEMPTING TO ASSESS THE POTENTIAL IMPACT OF THE REGULATIONS MORE FULLY. AS A RESULT OF THAT ASSESSMENT, IN CASES WHERE SIGNIFICANT PROBLEMS FOR UNITED STATES EXPORTS ARISE, WE WOULD HOPE THAT SOLUTIONS CAN BE FOUND WHICH TAKE INTO ACCOUNT THE LEGITIMATE INTERESTS OF BOTH COUNTRIES. KISSINGER

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Drafter: FOSHOUP:JH
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